

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

UNITED STATES OF AMERICA

vs.

**KARI KELLEY,
Defendant.**

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CRIMINAL ACTION: 1:23-00027-KD

ORDER

This matter is before the Court on the United States Probation Office's 8/31/23 PROB 35 Report and Order Terminating Probation and 8/30/23 Memorandum, as to Defendant Kari Kelley.

In February 2021, a criminal complaint (sealed) was filed against Defendant Kelley U.S. District Court for the District of Columbia (1:21-cr-00201-DLF). On December 23, 2021, Kelley plead guilty to parading, demonstrating, or picketing in a capitol building in violation of 40 U.S.C. § 5104(e)(2)(G) (Count 4), a class B misdemeanor. On March 17, 2022, Kelley was sentenced to a 3-year term of probation; Judgment issued March 21, 2022 and an Amended Judgment issued April 1, 2022. (Docs. 124, 125). On September 9, 2022, this case was transferred from the U.S. District Court for the District of Columbia to this Court, effective February 3, 2023.

On August 30 and 31, 2023, the USPO submitted a Memorandum and PROB 35 35 Report and Order Terminating Probation as to Defendant Kari Kelley, respectively, recommending that she be discharged from probation/supervised release (SRT) and that the proceedings in this case be terminated. Per the USPO, Kelley has completed 17 of her 36 months of probation, satisfied the special conditions for same (completed drug testing, satisfied all financial obligations, and attended mental health treatment), her period of probation/SRT expires on March 16, 2025, and she has been compliant with all SRT conditions. The USPO adds that the DC Judgment indicated that she would be eligible for early termination after she successfully completed one (1) year of supervision. The USPO states that the United States has no objection to this recommendation.

Pursuant to 18 U.S.C. § 3583(e)(1), after consideration of the relevant factors in 18 U.S.C. § 3553(a), the Court may “terminate a term of supervised release and discharge the defendant released at any time after the expiration of one year of supervised release, pursuant to the provisions of the Federal Rules of Criminal Procedure relating to the modification of probation, if it is satisfied that such action is warranted by the conduct of the defendant released and the interest of justice.” 18 U.S.C. § 3583(e)(1). As of this date, Kelley has served over 18 months of her 36-month supervised release term (more than one (1) year); thus, she is eligible for early termination. Therefore, the Court looks to whether her present conduct warrants early termination and whether early termination would serve the interest of justice. 18 U.S.C. § 3583(e)(1). Factors to consider include the defendant’s history and characteristics, deterrence to criminal conduct, protection of the public from future crimes by the defendant, and the need for educational training or other types of care in the most efficient manner. 18 U.S.C. § 3583(e) (referencing § 3553(a) factors). The Court also acknowledges the USPO’s Memorandum and PROB 35 Report, as well as the AUSA’s lack of objection.

Upon consideration of the foregoing, including the relevant Section 3553(a) factors, the Court is satisfied that early termination would serve the interests of justice and that Kelley’s present conduct warrants early termination. Thus, it is **ORDERED** that Defendant Kari Kelley is hereby **DISCHARGED** from supervised release.

The Clerk is **DIRECTED** to mail a copy of this Order to Defendant Kari Kelley.

DONE and ORDERED this the **25th** day of **October 2023**.

/s/ Kristi K. DuBose
KRISTI K. DuBOSE
UNITED STATES DISTRICT JUDGE